

Senate Bill No. 1033

CHAPTER 111

An act to amend Section 12001.1 of the Penal Code, relating to undetectable knives, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 10, 2008. Filed with
Secretary of State July 10, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1033, Runner. Undetectable knives.

Existing law provides that any person who commercially manufactures or causes to be commercially manufactured, knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any undetectable knife is guilty of a misdemeanor. Existing law provides that these provisions do not apply to the manufacture or importation of undetectable knives for sale to a law enforcement or military entity.

This bill would additionally provide that any person who knowingly exports out of this state for commercial, dealer, wholesaler, or distributor sale, or who offers or exposes for dealer, wholesaler, or distributor sale any undetectable knife is guilty of a misdemeanor. This bill would require a valid agency, department, or unit purchase order to exempt from these provisions the manufacture or importation of undetectable knives for sale to a law enforcement or military entity. Because this bill would expand the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 12001.1 of the Penal Code is amended to read:

12001.1. (a) Any person in this state who commercially manufactures or causes to be commercially manufactured, or who knowingly imports into the state for commercial sale, or who knowingly exports out of this state for commercial, dealer, wholesaler, or distributor sale, or who keeps for commercial sale, or offers or exposes for commercial, dealer, wholesaler,

or distributor sale, any undetectable knife is guilty of a misdemeanor. As used in this section, an “undetectable knife” means any knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death that is commercially manufactured to be used as a weapon and is not detectable by a metal detector or magnetometer, either handheld or otherwise, that is set at standard calibration.

(b) Notwithstanding any other provision of law, commencing January 1, 2000, all knives or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death that are commercially manufactured in this state that utilize materials that are not detectable by a metal detector or magnetometer, shall be manufactured to include materials that will ensure they are detectable by a metal detector or magnetometer, either handheld or otherwise, that is set at standard calibration.

(c) This section shall not apply to the manufacture or importation of undetectable knives for sale to a law enforcement or military entity with a valid agency, department, or unit purchase order, nor shall this section apply to the subsequent sale of these knives to a law enforcement or military entity.

(d) This section shall not apply to the manufacture or importation of undetectable knives for sale to federal, state, and local historical societies, museums, and institutional collections which are open to the public, provided that the undetectable knives are properly housed and secured from unauthorized handling, nor shall this section apply to the subsequent sale of the knives to these societies, museums, and collections.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to protect the citizens of this state at the earliest possible time, it is necessary for this act to take effect immediately.